

REMARKS

The Office Action mailed on June 30, 2006 has been carefully considered, and the Examiner's comments are appreciated. Claims 1-10 are rejected as being anticipated. Applicants have amended claims 1, and 7- 10. Support for the amendments is located in Applicants' specification, inter alia, on pages 3-5. Amended claims 1-10 are submitted for examination and believed in condition for allowance.

Accompanying this communication is a petition to extend the prosecution for one month to October 30, 2006, along with the appropriate fee.

Discussion of Rejection of Claims 1-10 under 35 U.S.C. §102(b)

The Examiner rejected claims 1-10 under 35 USC §102(b) as being anticipated by Schnittgrund et al. (EP 0 693 305 A1). The Examiner argues that "(T)he Schnittgrund patent discloses the claimed steps of electrochemical oxidation, which would inherently separate the char from the graphite, since the reference discloses the same claimed temperature range, electrolyte composition (see abstract and col. 3, lines 34-48). The thermally decomposing portion of the method claimed would also be accomplished by the treatment in the bath within the claimed range."

However, Applicants submit that nowhere in the cited reference is it disclosed or suggested to control the electrochemical oxidation so as to separate carbon chars and leave graphite fibers intact. Throughout the cited reference the principal thrust is the destruction of all the composite materials to waste products including carbon dioxide (see, Schnittgrund et al. for instance, at col. 6, lines 16-21, col. 2, lines 28-31, col. 2, line 54 thru

col. 3, line 6 and line 20 thru 30, col. 3, line 58 thru col. 4, line 16, and all 5 Examples).

The cited reference teaches the destruction of carbon by molton salt , but does not disclose the non-distruction of carbon in the form of graphite fibers. Inherency requires an inevitable or invariable result, and is not established by probabilities or possibilities. The anticipation rejection should be withdrawn.

Summary

Applicants therefore respectfully submits that claims 1-10 are in condition for allowance, and requests allowance of the claims. In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7274.

Respectfully submitted



Dated: October 26, 2006 By:

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